

# PLAINTIFFS' EXHIBIT 8

1 Q. Why was it done? Why was there a new  
2 iteration?

3 A. I don't know necessarily why there was a  
4 new iteration.

5 Q. The Eclipse didn't last very long, did  
6 it?

7 A. I don't recall exactly how long it was on  
8 the market for.

9 Q. Well, we saw somewhere it was supposed to  
10 begin in April, 2010; right?

11 A. That -- it was supposed to begin?

12 Q. That G2 was stopped, according to Bret  
13 Baird, and the Eclipse was supposed to be switched  
14 out.

15 A. Okay.

16 MR. BROWN: Object to the form.

17 BY MR. O'CONNOR:

18 Q. Right?

19 A. Okay.

20 (Exhibit 25 marked for identification.)

21 BY MR. O'CONNOR:

22 Q. 25. It's not even a year, it's March 8,  
23 2011, since the Bret Baird e-mail about the Eclipse  
24 and the G2. And here you're talking about the  
25 Meridian. What was up with that?

1 MR. BROWN: Object to the form.

2 BY MR. O'CONNOR:

3 Q. Why is the Eclipse coming down so fast?

4 MR. BROWN: Object to the form.

5 THE WITNESS: I have no idea.

6 BY MR. O'CONNOR:

7 Q. Did you ever ask?

8 A. No.

9 Q. I mean, you just barely got to these  
10 people in 2011 about the switch-out, and now  
11 they're changing it on you again.

12 MR. BROWN: Object to the form.

13 BY MR. O'CONNOR:

14 Q. Right?

15 A. Looks that way, yeah.

16 Q. Now they're talking about the Meridian;  
17 right?

18 A. Looks like that's -- yes.

19 Q. But the problem is, in this e-mail,  
20 March 8, 2011, that the Meridian's not even ready  
21 to be sold, it's backordered. Am I reading that  
22 right?

23 A. Possibly. It says --

24 Q. Well, you tell me. What's Bret telling  
25 you folks?

1           A.     So it's -- how I'm reading that,  
2     there's -- looks like he says a delay. I don't  
3     know what that means.

4           Q.     Well, and they're bringing back the G2  
5     for a reunion tour; right?

6           A.     I don't know if that was the case.

7           Q.     Well, tell me what that means. They're  
8     not talking about the Eclipse staying out there,  
9     they're talking about the G2. As a matter of fact,  
10    let's read what it says, the first sentence. Would  
11    you read that?

12          A.     It says, "In the next day or so we will  
13    be going on backorder for the femoral G2 filter as  
14    a result of the Meridian delay."

15          Q.     Continue.

16          A.     "As you are aware, we had been working on  
17    finishing the remaining G2 product in preparation  
18    for discontinuation. But with the Meridian delay,  
19    we have turned production back on temporarily."

20          Q.     What did -- I'm sorry, go ahead.

21          A.     Did you want me to finish that, or no?

22          Q.     Sure.

23          A.     "We should be out of the backorder by  
24    next week."

25          Q.     What did the Meridian have that the

1 Eclipse didn't?

2 A. Oh, I think this is when they had hooks  
3 or anchors on the shoulders. But I can't remember  
4 if that's the Meridian or the Denali, which one is  
5 which. It's been a while.

6 (Exhibit 26 marked for identification.)

7 BY MR. O'CONNOR:

8 Q. It's getting a little confusing now,  
9 isn't it? Because this e-mail on Exhibit 26 is  
10 dated December 13, 2011; right?

11 A. Uh-huh.

12 Q. Yes?

13 A. Yes. Sorry.

14 Q. And we've gone from G2 being discontinued  
15 in April of 2010 to the Eclipse, to the Meridian in  
16 early 2011, and now here we are at the end of 2011  
17 and they're still talking about the G2 filter being  
18 discontinued. Do you see that?

19 A. I do.

20 Q. How did you keep up?

21 A. How did I keep up with what?

22 Q. Well, this changing and what you were  
23 supposed to do. I mean, one minute the G2 is being  
24 discontinued, the next minute it's gotta make a  
25 comeback because they don't have the Meridian

**To:** Aghakhan, Ninef[Ninef.Aghakhan@crbard.com]; Calcagno, Geno[Geno.Calcagno@crbard.com]; Fermanich, Matt[Matt.Fermanich@crbard.com]; Lay, Jason[Jason.Lay@crbard.com]; Scherer, Cindy[Cindy.Scherer@crbard.com]; Torres, Erin[Erin.Torres@crbard.com]; Trottier, Aimee[Aimee.Trottier@crbard.com]  
**From:** Hug, Tim  
**Sent:** Tue 3/8/2011 6:44:48 PM  
**Importance:** Normal  
**Subject:** FW: G2 Fem Filter Backorder  
**Received:** Tue 3/8/2011 6:44:00 PM

FYI

**Tim Hug**  
Great Lakes District Manager

Direct: 631 334 0526  
Fax: 262 542 2810  
[tim.hug@crbard.com](mailto:tim.hug@crbard.com)  
[www.bardpv.com](http://www.bardpv.com)

**BAIRD** | PERIPHERAL VASCULAR

---

**From:** Baird, Bret  
**Sent:** Tuesday, March 08, 2011 10:01 AM  
**To:** TPE-PV DM's-DG  
**Cc:** Righi, Robert; Pellicio, Jeffrey; Randall, Mike; Warren, Kathleen; Casanova, Mike  
**Subject:** G2 Fem Filter Backorder

Dear DM's,

In the next day or so we will be going on backorder for the Femoral G2 Filter as a result of the Meridian delay. As you are aware, we had been working to finish the remaining G2 product in preparation for discontinuation, but with the Meridian delay we have turned production back on temporarily. We should be out of backorder by next week.

At this time we do not foresee a backorder for the G2 Jug system, since we have enough product to cover us.

Thanks for your patience.

**Bret Baird**  
Marketing Manager, IVC Filters

Direct: 480 379 2875  
Fax: 480 303 2783  
Main: 480 894 9515  
[bret.baird@crbard.com](mailto:bret.baird@crbard.com)  
[www.bardpv.com](http://www.bardpv.com)

**BAIRD** | PERIPHERAL VASCULAR



---

Confidentiality Notice: This e-mail and any attachments are intended only for the use of those to whom it is addressed and may contain information that is confidential and prohibited from further disclosure under law. If you have received this e-mail in error, its review, use, retention and/or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message and any attachments. [v1.0]

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

BPVEFILTER-01-01941407

